

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

February 4, 2008

DIVISION TWO

B198269 Los Angeles County, D.C.S. (Not for Publication)
 v.
 A.A.

The appeal is dismissed.

Boren, P.J.

We concur: Doi Todd, J.
 Ashmann-Gerst, J.

B198081 People (Not for Publication)
 v.
 Berry

The Court:

The order under review is affirmed.

Boren, P.J., Ashmann-Gerst, J., Chavez, J.

DIVISION TWO (continued)

B195541 People (Not for Publication)

V.
Moore

The Court:

The order under review is affirmed.

Boren, P.J., Doi Todd, J., Ashmann-Gerst, J.

B188967 People (Not for Publication)

v.
Gomez

The judgment is affirmed.

Boren, P.J.

We concur: Doi Todd, J.
Chavez, J.

B194867 People (Not for Publication)

v.
Delgadillo, et al.

The judgments are affirmed.

Boren, P.J.

We concur: Doi Todd, J.
 Ashmann-Gerst, J.

DIVISION TWO (continued)

B197678 People(Not for Publication)
v.
Seay

The judgment is affirmed.

Boren, P.J.

We concur: Ashmann-Gerst, J.
Chavez, J.

B194331 People (Not for Publication)
v.
Kendrid

The judgment is affirmed.

Boren, P.J.

We concur: Doi Todd, J.
Ashmann-Gerst, J.

B198307 People (Not for Publication)
v.
Williams

The five-year enhancement imposed pursuant to section 667, subdivision (a)(1) based on the violation of section 422 in case No. MA015827 is vacated and the allegation is dismissed. The matter is remanded for resentencing in accordance with the views expressed herein. In all other respects, the judgment is affirmed.

Boren, P.J.

We concur: Doi Todd, J.
 Chavez, J.

DIVISION TWO (continued)

B190732 People (Not for Publication)
v.
Moore

The judgment is modified to reflect a consecutive firearm enhancement of three years four months with respect to count 3 and a consecutive gang enhancement of three years four months with respect to count 3. As so modified, the judgment is affirmed. The clerk of the superior court is directed to prepare and forward to the Department of Corrections and Rehabilitation an amended abstract of judgment.

Boren, P.J.

We concur: Ashmann-Gerst, J.
Chavez, J.

DIVISION THREE

B196285 People (Not for Publication)
v.
Dennis Charles Harris

Sentence on the two section 667.5, subdivision (b) enhancements is vacated. Sentence on the section 667, subdivision (a) (1) enhancement related to Harris's conviction in case No. BA154469 is likewise vacated. The matter is remanded for further proceedings consistent with the opinions expressed herein. In all other respects, the judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

DIVISION THREE (continued)

B197167 People (Not for Publication)

V.

George T. Arsenault

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.

Kitching, J.

B193325 James A. Kay Jr.

V.

Annedore Pick et al

Filed order denying petition for rehearing.

DIVISION FIVE

B198186 Los Angeles County, D.C.S. (Not for Publication)

V.

Shannon P.

In re Kiaesha A.

The orders are affirmed, and the matter is remanded for ICWA compliance.

Armstrong, J.

I concur:

Mosk, J.

I concur and dissent:

Turner, P.J. (Opinion)

DIVISION FIVE (continued)

B189262 Yvonne Hammond
 v.
 County of Los Angeles, Betty Brennan

Filed order granting petition for rehearing.

DIVISION SIX

B199225 Martinez, et al., (Not for Publication)
 v.
 Moreno

The judgment is reversed. Costs are awarded to appellants.

Gilbert, P.J.

We concur: Yegan, J.
 Coffee, J.

B194594 People (Not for Publication)
 v.
 Brady

The judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.
 Perren, J.

February 4, 2008 (Continued)

DIVISION SIX (continued)

B199445 People (Not for Publication)

V.

Ford

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.

Perren, J.

B201635 People (Not for Publication)

V.

Apodaca

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.

Perren, J.

B201852 People (Not for Publication)

V.

Lewis

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.

Perren, J.

The imposition of the upper term sentence on the evading an officer causing serious bodily injury offense (Veh. Code section 2800.3) is reversed and the case remanded for resentencing. Upon remand, the trial court may exercise its discretion to impose the lower middle or upper term for the offense. (*Sandoval, supra*, 41 Cal.4th at p. 832.) The trial court is directed to prepare an amended abstract of judgment in accordance with this disposition and deliver it to the Department of Corrections. In all other respects the judgment is affirmed.

We concur: Gilbert, P.J.
Coffee, J.

The judgment is affirmed.

We concur: Yegan, J.
Perren, J.

DIVISION SIX (continued)

B196781 People (Not for Publication)

V.

Merrick

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.

Perren, J.

B190373 People (Not for Publication)

V.

Galante

The judgment is affirmed.

Coffee,.J.

We concur: Gilbert, P. J.

Perren, J.

B201881 People, et al., (Certified for Publication)

V.

Superior Court of Ventura Co.

Let a peremptory writ of mandate issue directing the superior court to vacate its previous order denying petitioner's motion for judgment on the pleadings and to enter a new order granting the motion without leave to amend with respect to the first, second, third and fourth affirmative defenses alleged by real parties in interest. The order to show cause, have served its purpose, is discharged. Petitioner to recover its costs.

Yegan,.J.

We concur: Gilbert, P. J.

Perren, J.

DIVISION EIGHT

B198852 People (Not for Publication)
v.
Rodriguez

The judgment is affirmed.

Rubin, J.

We concur: Cooper, P.J.
Flier, J.

B197633 People (Not for Publication)
v.
Pule

The judgment is affirmed.

Egerton, J. (Assigned)

We concur: Rubin, Acting P.J.
Flier, J.

B201480 Los Angeles County, D.C.S. (Not for Publication)
v.
Sara A.

The judgment is affirmed.

Rubin, J.

We concur: Cooper, P.J.
Flier, J.